



WHERE HISTORY & PROGRESS MEET

**CITY OF WEST CHICAGO
LIQUOR/TOBACCO CONTROL COMMISSION MEETING**

**AUGUST 4, 2021
CITY COUNCIL CHAMBERS
475 MAIN STREET, WEST CHICAGO, ILLINOIS
11:00 A.M.**

AGENDA

1. Call to Order and Establishment of a Quorum
2. Public Participation
3. Minutes of December 17, 2018
4. New Business:
 - A. Public Hearing on Notice of Report of Violations of Chapter 3 of the Code of Ordinances of the City of West Chicago – 59 North – The Oasis Café
5. Unfinished Business
6. Adjournment

APPROVED: _____

**WEST CHICAGO LIQUOR/TOBACCO CONTROL COMMISSION
MEETING MINUTES**

December 17, 2018

1. **Call to Order and Establishment of a Quorum:** Mayor Pineda called the meeting to order at 6:30 p.m. A quorum was established.
2. **Members Present:** Mayor Ruben Pineda
Alderman Becky Stout
Alderman Sandy Dimas

3. **Staff Present:** Michael Guttman, City Administrator

4. **Approval of Minutes:**

Alderman Stout moved and Alderman Dimas seconded a motion to approve the minutes from the March 19, 2018 meeting. Motion unanimously passed by voice vote.

5. **New Business: Request by Elizabeth Cano Ramirez and Simon Cruz, owners of El Nuevo Vallarta Bar and Grill, Inc., for a Class A-2 and I Liquor Licenses –** Commissioner Pineda spoke about the history of noise complaints from the condos.

Chief Uplegger went through recommendations, one being no stage. Direction was given for applicants to work with Chief Uplegger on agreeable terms with regards to live entertainment.

6. **Adjournment:** Alderman Stout moved to adjourn. Second, Alderman Dimas. Voice vote showed all in favor. The meeting was adjourned at 6:48 p.m.

CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

July 30, 2021

VIA HAND DELIVERY

59 North-The Oasis Café Corporation
2009 Franciscan Way
West Chicago, IL 60185

Esteer Massih, President
Anthony E. Massih
c/o 59 North-The Oasis Café Corporation
2009 Franciscan Way
West Chicago, IL 60185

Edwar E. Massih
Registered Agent/Secretary
59 North-The Oasis Café Corporation
805 Burning Trail
Carol Stream, Illinois 60188

ORDER OF TEMPORARY CLOSURE

Dear Liquor License Holders/Representatives:

It has come to my attention, in my capacity as the Local Liquor Commissioner for the City of West Chicago, that the operations of the *59 North-The Oasis Café* under the West Chicago **Class "I" Liquor License, License Number 7512**, operating at the location of 2009 Franciscan Way, West Chicago, Illinois 60185 ("the Licensed Premises"), constitutes a threat to the welfare of the Citizens of West Chicago. The City's Police Department has received an inordinate number of complaints relative to operations of the Licensed Premises, primarily relating to the volume of noise emanating from the Licensed Premises relating to live performances and/or disc jockey or other manner of presenting music. The Licensed Premises Holders have been found guilty of violating the Noise Regulations of the City of West Chicago, including the most recent finding of liable on July 28, 2021.

Pursuant to the Terms and Conditions of the West Chicago Liquor Ordinance, all Licensees are required to comply with State Law and the Code of Ordinances of the City of West Chicago. Further, it is the duty and responsibility of the Licensees to maintain the Licensed Premises in a peaceable and orderly manner so as not to provoke a breach of the peace. Chapter 3, Article 1, Section 3-33 (f) and Section 3-30.1.

Based on the information received in connection with the Licensed Premises, I have reason to believe that the continued operation of the live music at the Licensed Premises constitutes and immediate threat to the welfare of the Citizens of the City of West Chicago. Pursuant to the authority vested in me as the Local Liquor Commissioner for the City of West Chicago, I have

475 Main Street
West Chicago, Illinois
60185

T (630) 293-2200
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www.westchicago.org

Ruben Pineda
MAYOR
Nancy M. Smith
CITY CLERK

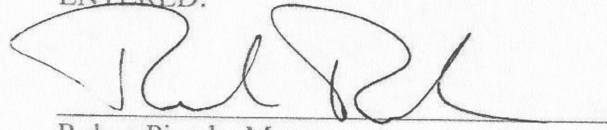
Michael L. Guttman
CITY ADMINISTRATOR

concluded that the continued operation of the live music at the Licensed Premises poses an immediate threat to the welfare of the Citizens of the City of West Chicago. Accordingly, I am issuing this **Order of Temporary Closure of the Licensed Premises** in connection with West Chicago **Class "I" Liquor License, License Number 7512**, for a period not to exceed seven (7) days. This Order is applicable only to the activities in connection with the Live Music authorized under the above-referenced **Class "I" Liquor License**.

PLEASE BE ADVISED:

1. This Order prohibits any and all music permitted by the License at issue. Any violation of this Order may result in the suspension or revocation of any and all Liquor License issued to the Licensed Premises.
2. You are provided an opportunity to be heard in connection with this decision on August 4, 2021 at 11:00 a.m. at West Chicago City Hall, located at 475 Main Street, West Chicago, Illinois 60185.

ENTERED:

A handwritten signature in black ink, appearing to read 'Ruben Pineda', written over a horizontal line.

Ruben Pineda, Mayor
Liquor Control Commissioner

July 30, 2021

**BEFORE THE LOCAL LIQUOR CONTROL COMMISSIONER AND LIQUOR
CONTROL COMMISSIONER OF THE CITY OF WEST CHICAGO
DUPAGE COUNTY, ILLINOIS**

IN RE: THE MATTER OF
THE LIQUOR LICENSE OF
59 NORTH-THE OASIS CAFÉ
CORPORATION a/k/a
CAIRO ALE HOUSE,
"CLASS "A-2"
LIQUOR LICENSE NO: 7477, and
"CLASS I"
LIQUOR LICENSE NO: 7512

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No.: 21 LC 01

SERVICE LIST:

59 North-The Oasis Café Corporation
2009 Franciscan Way
West Chicago, IL 60185

Esteer Massih, President
Anthony E. Massih
c/o 59 North-The Oasis Café Corporation
2009 Franciscan Way
West Chicago, IL 60185

Edward E. Massih
Registered Agent/Secretary
59 North-The Oasis Café Corporation
805 Burning Trail
Carol Stream, Illinois 60188

**NOTICE OF REPORT OF VIOLATIONS OF CHAPTER 3,
"ALCOHOLIC BEVERAGES" OF THE CODE OF ORDINANCES
OF THE CITY OF WEST CHICAGO, ILLINOIS
AND NOTICE OF HEARING THEREON**

YOU ARE HEREBY NOTIFIED of the receipt by the Local Liquor Commissioner ("Commissioner") of a Report of Violations of Chapter 3, "Alcoholic Beverages" of the Code of Ordinances of the City of West Chicago, Illinois ("West Chicago Code").

On **August 4, 2021, at the Hour of 11:00 a.m.**, the undersigned Commissioner and the Local Liquor Commission ("Commission") of the City of West Chicago shall hold a Public Hearing in the City Council Chambers at West Chicago City Hall, 475 Main Street, West Chicago, Illinois,

at which time, date and place the Holder of the above-referenced West Chicago Liquor Licenses ("Licensee"), as provided for in Section 3-33 of Code of Ordinances of the City of West Chicago, shall appear and show cause as to why said Licensee should not be fined; and/or why said Licenses should not be revoked or suspended; and why the Licensee should not be required to reimburse the City of West Chicago it's costs incurred for said Hearing, as provided for in Section 33(f) and (g) of the West Chicago City Code, in connection with the allegations set forth herein below.

GENERAL PROVISIONS

PARTIES

1. The City of West Chicago ("City") is a body politic and corporate and an Illinois home rule Municipality organized and existing pursuant to the laws of the State of Illinois and authorized to issue Local liquor Licenses to eligible and qualified individuals or entities.

2. Anthony E. Massih, of 501 E. Bouton Street, Aurora, Illinois, is the Licensee of a Class "A-2", West Chicago Liquor License No.: 7477, issued to *59 North-The Oasis Café a/k/a Cairo Ale House*, located at 2009 Franciscan Way, West Chicago, Illinois ("Licensed Premises"), issued June 21, 2021.

3. Anthony E. Massih, of 501 E. Bouton Street, Aurora, Illinois, is the Licensee of a Class "I", West Chicago Liquor License No.: 7512, issued to *59 North-The Oasis Café a/k/a Cairo Ale House* located at 2009 Franciscan Way, West Chicago, Illinois ("Licensed Premises"), issued June 21, 2021.

COUNT I

VIOLATIONS OF WEST CHICAGO NOISE REGULATIONS

1. The Licensee, on July 10, 2021, failed to maintain the Licensed Premises in a peaceable and orderly manner in that the Licensee permitted the emission of noise at a decibel level in excess of 65 dbc from the Licensed Premises, thereby alarming and disturbing the public and provoking a breach of the peace, in Violation of the West Chicago City Code of Ordinances. Section 3-30.1.

2. The Licensee, on June 26, 2021, failed to maintain the Licensed Premises in a peaceable and orderly manner in that the permitted the emission of noise at a decibel level in excess of 65 dbc from the Licensed Premises, thereby alarming and disturbing the public and provoking a breach of the peace, in Violation of the West Chicago City Code of Ordinances. Section 3-30.1.

3. The Licensee, on April 17, 2021, failed to maintain the Licensed Premises in a peaceable and orderly manner in that the Licensee permitted the emission of noise at a decibel level in excess of that permitted under the City Code from the Licensed Premises, thereby alarming and disturbing the public and provoking a breach of the peace, in Violation of the West Chicago City Code of Ordinances. Section 3-30.1.

4. The Licensee, on March 20, 2021, failed to maintain the Licensed Premises in a peaceable and orderly manner in that the Licensee permitted the emission of noise at a decibel level in excess of that permitted under the City Code from the Licensed Premises, thereby alarming and disturbing the public and provoking a breach of the peace, in Violation of the West Chicago City Code of Ordinances. Section 3-30.1.

5. The Licensee, on July 24, 2020, failed to maintain the Licensed Premises in a peaceable and orderly manner in that the Licensee permitted the emission of noise at a decibel level in excess that permitted under the City Code from the Licensed Premises, thereby alarming and disturbing the public and provoking a breach of the peace, in Violation of the West Chicago City Code of Ordinances. Section 3-30.1.

6. The Licensee has been found Liable on multiple occasions, most recently on July 28, 2021, of failing to maintain the Licensed Premises in a peaceable and orderly manner.

7. The City of West Chicago Police Department has received in excess of 212 Calls for Service and Extra Patrols to the Licensed Premises from January 1, 2018 to the present date.

COUNT II

VIOLATIONS OF WEST CHICAGO LIQUOR ORDINANCE

1. It is the duty and responsibility of the Licensee and his employees or agents to maintain the Licensed Premises in a peaceable and orderly manner. Chapter 3, Article III, Section 3-30.1

2. On July 10, 2021, at approximately 11:25 pm, at the Licensed Premises commonly known as the *Oasis Café, a/k/a Cairo Ale House*, the Licensee allowed the emission of noise from the Licensed Premises at a decibel level of 65 dbc in violation of the West Chicago Noise Control Regulations, Article V, Section 10-37 (d).

3. The Licensee has caused, or permitted, conduct at the Licensed Premises which is prohibited at Licensed Establishments under the City Code.

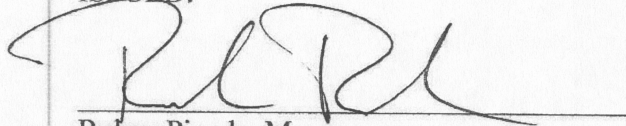
4. The Licensee has violated the Code of Ordinances of the City of West Chicago by breaching the peace, failing to preserve the peace and causing excessive noise at the Licensed Premises.

COUNT III

PUBLIC NUISANCE

1. The allegations set forth in Count I, paragraphs 1-7 above are incorporated herein by reference as paragraphs 1-7 of this Count III, and though fully set forth herein.
2. Pursuant to the Noise Control Regulations of the City Code, any violation of the Noise Control Regulations constitutes a public nuisance. Chapter 10, Article V, Sec. 10-41.
3. Music and/or sound emanating from the Licensed Premises constitutes a Public Nuisance.

ISSUED:

A handwritten signature in black ink, appearing to read 'Ruben Pineda', written over a horizontal line.

Ruben Pineda, Mayor
Liquor Control Commissioner

DATED: July 30, 2021